

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

2019 SEP 11 AM 10: 59

Carol Lynn Gunter,

Plaintiff,

vs.

Andrew M. Saul, Commissioner
of Social Security,

Defendant.

Civil Action No. 8:18-2298-RMG

ORDER

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DBI") and Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on August 28, 2019, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge failed to have the Vocational Expert address and, if possible, resolve the conflict between the RFC assessment and the DOT regarding the jobs identified by the Vocational Expert in which Plaintiff was able to perform. (Dkt. No. 23 at 21-25). The Commissioner has advised the Court that he does not intend to file objections to the R & R. (Dkt. No. 26).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court

ADOPTS the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
September 11 2019